



**REFERENCE:** 16/3/3/1/B4/45/1026/22  
**NEAS REFERENCE:** WCP/EIA/0001088/2022  
**DATE OF ISSUE:** 11 NOVEMBER 2022

University of Stellenbosch  
Private Bag X1  
Matieland  
**STELLENBOSCH**  
7602

**Attention: F. Swart**

Tel. (021) 808 4834  
Email: fcswart@sun.ac.za

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED EXPANSION OF A PIGGERY ON THE REMAINDER OF PORTION 2 OF THE FARM MARIENDAHL NO. 37 AND THE REMAINDER OF FARM MARIENDAHL NO. 30, ELSENBURG, STELLENBOSCH**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Mr. P. de Villiers (Cornerstone Environmental Consultants (Pty) Ltd) Email: pieter@cornerstoneenviro.co.za  
(2) Mr. S. van der Merwe (Stellenbosch Municipality) Email: schalk.vandermerwe@stellenbosch.gov.za



**REFERENCE:** 16/3/3/1/B4/45/1026/22  
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## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED EXPANSION OF A PIGGERY ON THE REMAINDER OF PORTION 2 OF THE FARM MARIENDAHL NO. 37 AND THE REMAINDER OF FARM MARIENDAHL NO. 30, ELSENBURG, STELLENBOSCH

With reference to your application for the abovementioned, find below the outcome with respect to this application.

#### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in Section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR"), dated July 2022.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

#### A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

University of Stellenbosch  
% F. Swart  
Matieland  
**STELLENBOSCH**  
7602

Tel. (021) 808 4834  
Email: fcswart@sun.ac.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

## B. ACTIVITY AUTHORISED

Listed activity	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 39:</p> <p>The expansion and related operation of facilities for the concentration of animals in densities that will exceed—</p> <p>(i) 20 square metres per large stock unit, where the expansion will constitute more than 500 additional units;</p> <p><b>(ii) 8 square meters per small stock unit, where the expansion will constitute more than;</b></p> <p>(a) 1 000 additional units per facility or more excluding pigs where (b) applies; or</p> <p><b>(b) 250 additional pigs, excluding piglets that are not yet weaned;</b></p> <p>(iii) (30 square metres per crocodile where the expansion will constitute an additional 20 crocodiles or more;</p> <p>(iv) 3 square metres per rabbit where the expansion will constitute more than 500 additional rabbits; or</p> <p>(v) 250 square metres per ostrich or emu where the expansion will constitute more than 50 additional ostriches or emus.</p>	<p>The proposed expansion of the piggery will entail the addition of more than 250 pigs, at densities that will exceed 8 m<sup>2</sup> per small stock unit.</p>

The abovementioned list is hereinafter referred to as “**the listed activity**”.

The holder is herein authorised to undertake the development in respect of the following alternative:

The proposal entails the expansion of an existing piggery to be able to cater for a maximum of 1040 pigs (excluding piglets that are not yet weaned). The following forms part of the proposal:

- Enlargement of Building 1 (Insemination & Gestation) by approximately 150m<sup>2</sup> to accommodate the breeding section. This building will house gestation and breeding stalls.
- Changing the penning layout in Building 3 (Nursery) to accommodate additional weaners.
- The upgrading of the organic waste management system.
- The implementation of water saving technology.
- The improvement of temperature control inside the pig houses by upgrading the ventilation system.
- The upgrading of the lighting system to improve lighting efficiency.

## C. SITE DESCRIPTION AND LOCATION

The listed activity will be undertaken on the Remainder of Portion 2 of the Farm Mariendahl No. 37 and the Remainder of Farm Mariendahl No. 30, Elsenburg, Stellenbosch, at the following co-ordinates:

Mariendahl Experimental Farm Piggery:

Latitude (S)	Longitude (E)
33° 51' 09.78"	18° 49' 28.08"

Existing solids sedimentation dam:

Latitude (S)	Longitude (E)
33° 51' 07.90"	18° 49' 24.65"

Existing wastewater dam:

Latitude (S)	Longitude (E)
33° 51' 08.11"	18° 49' 21.73"

The SG digit codes are: C06700000000003700002  
C06700000000003000000

Refer to Annexure 1: Locality Map and Annexure 2: Site Development Plan.

The above is hereinafter referred to as "**the site**".

#### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")**

Cornerstone Environmental Consultants (Pty) Ltd.  
% A. Hurter/P. de Villiers  
P. O. Box 12606  
Die Boord  
**STELLENBOSCH**  
7613

Cell: 083 243 0994/

Email: annemarie@cornerstoneenviro.co.za/ pieter@cornerstoneenviro.co.za

#### **E. Conditions of authorisation**

##### **Scope of authorisation**

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with, and restricted to, the Preferred Alternative, described in the BAR, dated July 2022, at the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activity.

- (b) A period of 10 years, from the date the holder commenced with the authorised listed activity, during which period the authorised listed activity must be concluded.
- 3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
- 4. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information, in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

#### **Written notice to the Competent Authority**

- 5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
  - 5.1 make clear reference to the site details and EIA Reference number given above; and
  - 5.2 include proof of compliance with the following conditions described herein:  
Conditions: 6, 7 and 10

#### **Notification and administration of appeal**

- 6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
    - 6.1.1 the outcome of the application;
    - 6.1.2 the reasons for the decision as included in Annexure 3;
    - 6.1.3 the date of the decision; and
    - 6.1.4 the date when the decision was issued.
  - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
  - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 6.4 provide the registered I&APs with:
    - 6.4.1 the name of the holder (entity) of this Environmental Authorisation;
    - 6.4.2 name of the responsible person for this Environmental Authorisation;
    - 6.4.3 postal address of the holder;
    - 6.4.4 telephonic and fax details of the holder;
    - 6.4.5 e-mail address, if any, of the holder; and
    - 6.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that

an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).

7. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

### **Management of activity**

8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any construction activities to ensure compliance with the EMPr and the conditions contained herein.
11. The ECO must conduct fortnightly monitoring inspections during the construction phase. Monthly Environmental Compliance Reports must be compiled and must be submitted to the Competent Authority for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority once construction has been completed.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

### **Auditing**

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Report must be prepared by an independent person that is not the ECO referred to in Condition 12 or the EAP and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

Two Environmental Audit Reports must be submitted to the Competent Authority during the construction phase. The first Environmental Audit Report must be submitted three months after the commencement of construction activities and the second Environmental Audit Report must be submitted within three months after completion of the construction.

The holder must, within 7 days of the submission of an environmental audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the

report immediately available to anyone on request and on a publicly accessible website (where the holder has such a website).

### **Specific Conditions**

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

### **F. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

## G. Appeals

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs –
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning  
Private Bag X9186  
CAPE TOWN  
8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.



## H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

**MR. ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 11 NOVEMBER 2022**

CC: (1) Mr. P. de Villiers (Cornerstone Environmental Consultants (Pty) Ltd)      Email: pieter@cornerstoneenviro.co.za  
(2) Mr. S. van der Merwe (Stellenbosch Municipality)      Email: schalk.vandermerwe@stellenbosch.gov.za

## ANNEXURE 1: LOCALITY MAP

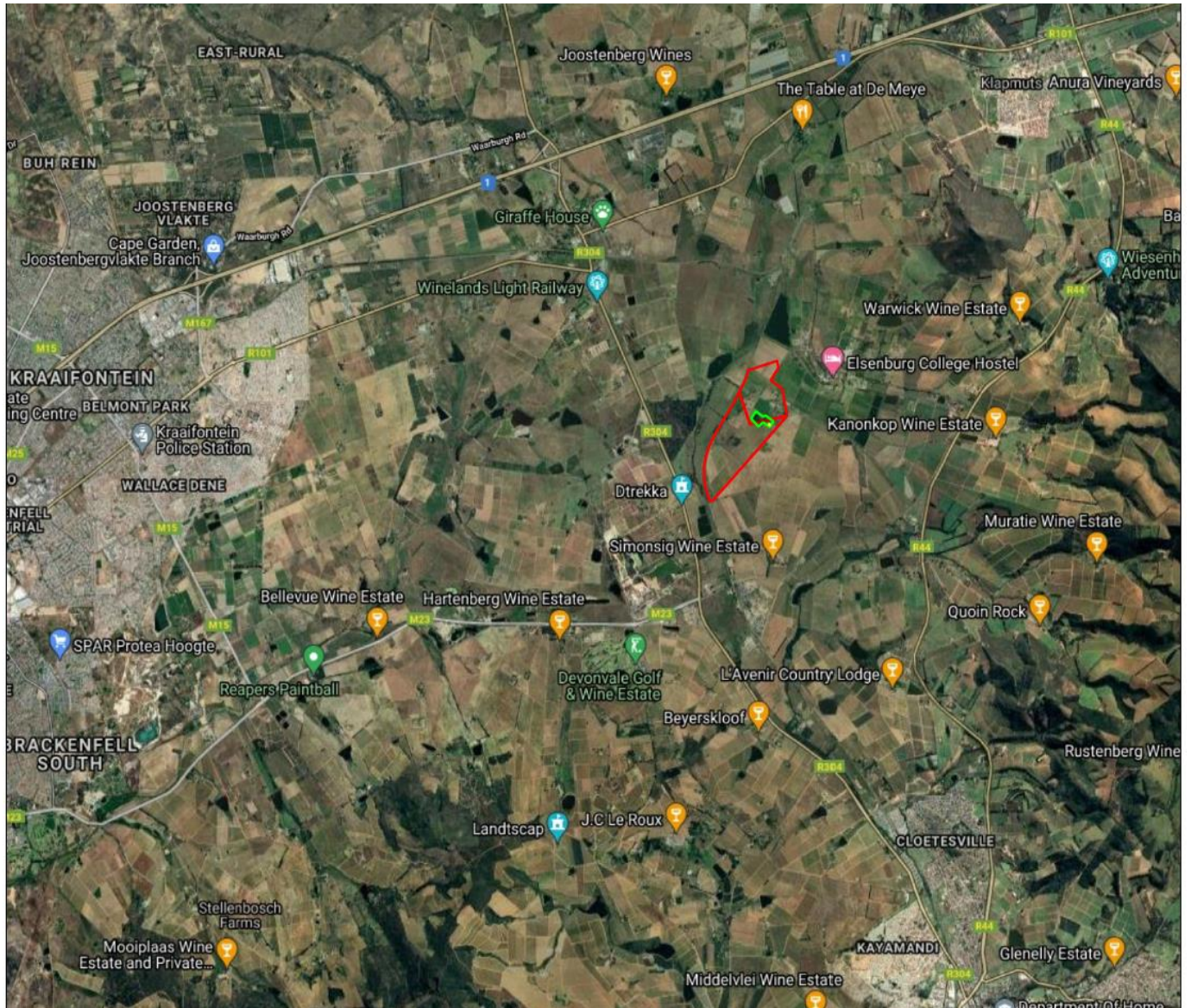


Figure 1: Location of the proposed development.

## ANNEXURE 2: SITE DEVELOPMENT PLAN

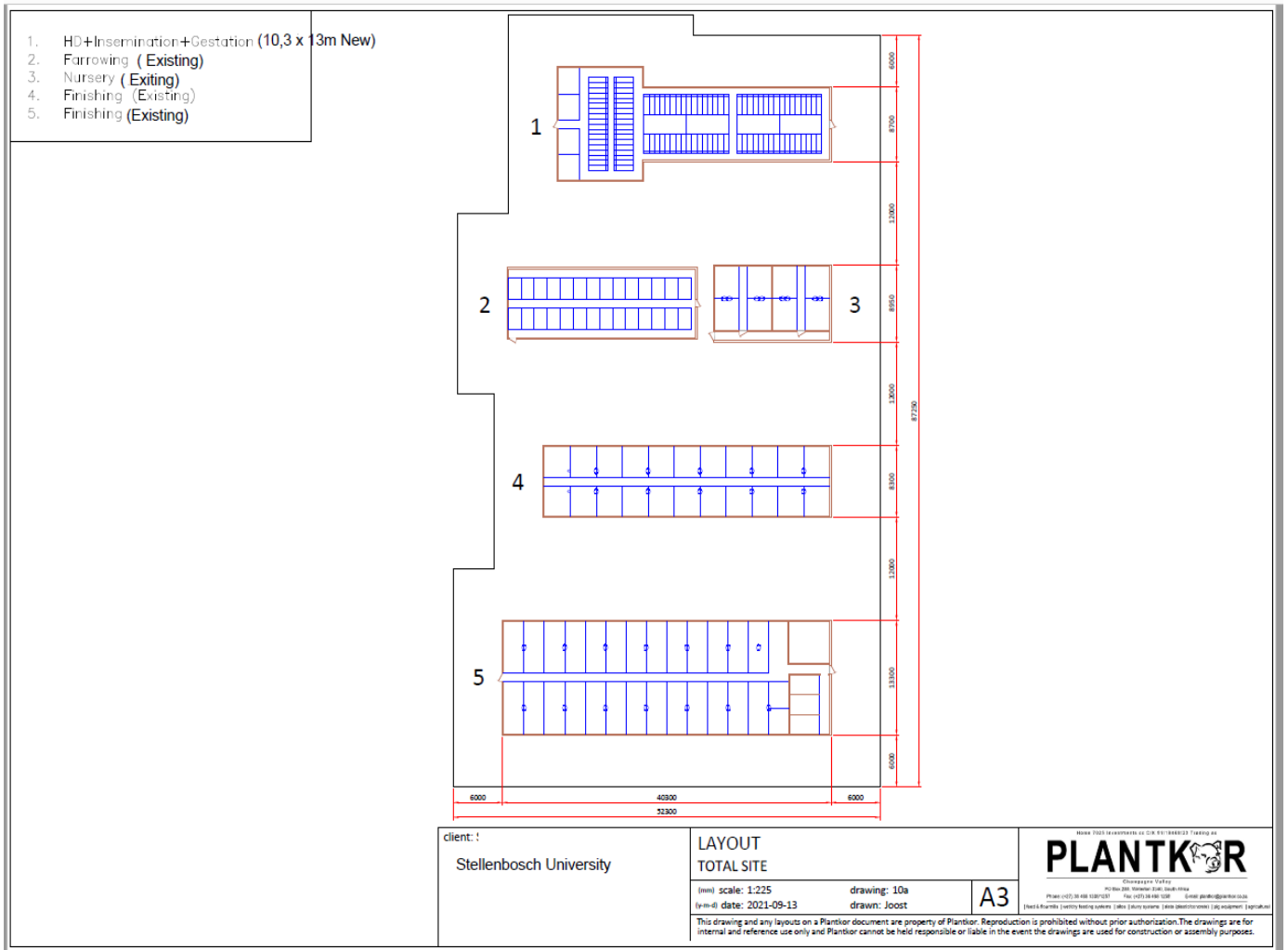


Figure 2: Site development plan for the proposed development.

### **ANNEXURE 3: REASONS FOR THE DECISION**

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 26 April 2022, the final BAR dated July 2022 and the EMPr submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated July 2022; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account during the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

#### **1. Public Participation**

The public participation process included:

- identification of and engagement with I&APs;
- the placing of a newspaper advertisement in the 'Eikestad News' on 24 February 2022;
- fixing notice boards at various locations within and around the area where the listed activity is to be undertaken on 24 February 2022;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activity on 24 February 2022, as well as on 29 April 2022; and
- making the pre-application draft BAR available to I&APs for public review from 28 February 2022 and the in-process draft BAR from 4 May 2022.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

#### **2. Alternatives**

The proposal development entails the expansion of an existing piggery, therefore, no feasible alternatives besides the Preferred and "No-Go" Alternatives have been assessed.

### Preferred Alternative (Herewith Authorised)

This alternative entails the expansion of an existing piggery to be able to cater for a maximum of 1040 pigs (excluding piglets that are not yet weaned). The following forms part of the proposal:

- Enlargement of Building 1 (Insemination & Gestation) by approximately 150m<sup>2</sup> to accommodate the breeding section. This building will house gestation and breeding stalls.
- Changing the penning layout in Building 3 (Nursery) to accommodate additional weaners.
- The upgrading of the organic waste management system.
- The implementation of water saving technology.
- The improvement of temperature control inside the pig houses by upgrading the ventilation system.
- The upgrading of the lighting system to improve lighting efficiency.

This alternative is preferred for the following reasons:

- The site has existing established infrastructure as well as existing access routes.
- The site is disturbed and contains no indigenous vegetation that will be impacted upon.
- The expansion of the facility includes the upgrading/modernisation of the facility, which will allow for a better water and energy efficient facility.
- Organic waste will be utilised better.
- There will be a reduction in odours.
- The overall health of the animals will improve.

### "No-Go" Alternative

The "no-go" option was considered and is not preferred for the following reasons:

- The existing Mariendahl Experimental Farm will not be modernised and expanded.
- There will be no improvement in research and there will be loss of educational facilities.
- Resource management (water, waste, energy, etc.) will not be improved.
- The income to local businesses in terms of transport and feed products, as well as the needs of employees at the facility will be lost.
- The opportunity to contribute to food production and security will be lost.
- The farms will not increase its contribution to local economic growth.
- No additional temporary and permanent employment opportunities will be created.

## **3. Impact Assessment and Mitigation measures**

### 3.1 Activity Need and Desirability

The current piggery of the AgriScience faculty of the University of Stellenbosch does not include a grower facility. In the absence of such a facility, 362 grower pigs belonging to the AgriScience faculty, are currently housed at the neighbouring Elsenburg grower facility, which is controlled by the Western Cape Department of Agriculture. In order to consolidate all aspects of the piggery and to mitigate against the potential loss of the Elsenburg grower facility, the existing Mariendahl Experimental Farm proposes to expand the existing piggery to be able to cater for a maximum of 1040 pigs (excluding piglets), also including the 362 grower pigs currently accommodated at the Elsenburg facility. It is proposed to expand and modernise the existing facilities to current research and operational standards, in order to improve productivity, to better utilise organic effluent as a waste product, to improve resource utilisation, and most notably, to reduce water consumption at the facility. Additionally, employment opportunities will be created during the construction and operational phases of the proposal.

### 3.2 Biodiversity and Biophysical Impacts

The piggery is an existing facility and the area where the building will be expanded is completely transformed. All necessary infrastructure and resources are already available. The existing two dams at the piggery, namely the sedimentation dam and the wastewater storage dam, as well as other wastewater infrastructure, will continue to form part of the piggery operations. The impacts to biodiversity will therefore be negligible.

### 3.3 Resource Management

The facility will have an upgraded waste management system ("Plug System"), which is a system that does not require water to be used to flush out the buildings. The plug system will therefore reduce the water consumption significantly at the piggery.

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

- There will be an increase in noise and dust impacts during the construction phase, however, adequate mitigation measures have been included in the approved EMPr.

#### **Positive impacts:**

- The existing Mariendahl Experimental Farm will be modernised and expanded.
- There will be no loss of access to educational facilities.
- Resource management (water, waste, energy, etc.) will be improved.
- The contribution to the local economy will be positive.
- An opportunity to contribute more to food production and security will be created.
- Temporary and permanent employment opportunities will be created.

## 4. National Environmental Management Act Principles

The NEMA Principles (set out in Section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

## 5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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